

MINUTES

ALCOHOL AND TOBACCO COMMISSION

DECEMBER 3, 2002

CALL TO ORDER/NOTING OF QUORUM

Chairperson DePrez called the meeting to order and noted the quorum and the attendance. Present were Vice Chairperson Glass, Commissioner Davis and Commissioner Marks. Also in attendance were Superintendent Davis and Executive Secretary Steiner.

Jeff McKean, Jim Calvert of Olinger, Grant Monahan of IRC, Marc Carmichael of IBA and Pam Ferguson of WSWI were present as observers.

COMMUNICATIONS FROM THE FLOOR

No Communications From the Floor.

DISPOSITION OF MINUTES

Commissioner Marks moved to approve the minutes that were submitted for the November 19, 2002 meeting. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

Vice Chairperson Glass moved to approve the PAD forms that were submitted for the December 3, 2002 meeting. Motion seconded by Commissioner Marks and it was unanimously approved.

RR45-91471 LONGSHOTS SPORTS BAR – Hearing Judge Steiner stated this was a recommended approval by the Lake County Local Board and an upholding of that approval by the Commission. The remonstrators filed a timely notice of appeal and the matter was set for hearing. No remonstrators appeared for the appeal hearing, therefore, the Hearing Judge recommended the appeal be dismissed.

Commissioner Davis moved to uphold the Hearing Judge's recommendation to dismiss the appeal. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

RR45-19298 TERRENCE CROSSLEY – Hearing Judge Steiner stated this was a recommended denial by the Lake County Local Board and an upholding of that denial by the Commission. The applicant filed a timely notice of appeal and the matter was set for hearing. The Hearing Judge now submits his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Commissioner Davis moved to uphold the Hearing Judge's recommendation to deny this new permit. Motion seconded by Commissioner Marks and it was unanimously approved.

APPEAL OF HEARING JUDGE'S RECOMMENDATIONS

No Appeals of Hearing Judge's Recommendations.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Davis and it was unanimously approved.

One hundred eighty-four (184) renewals approved, nineteen (19) new and/or transfer permits approved, four (4) permits conditionally approved and three (3) permits approved for first year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Commissioner Marks moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RC80-00192 AMERICAN LEGION POST 0046 – Vice Chairperson Glass noted this is a type 211-4 renewal application with the local board voting four (4) to zero (0) to disapprove.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the renewal. Motion seconded by Commissioner Davis and it was unanimously approved.

RC80-93343 TIPTON MOOSE LODGE 1590 – Vice Chairperson Glass noted this is a type 211-3 renewal application with the local board voting three (3) to zero (0) to disapprove.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the renewal. Motion seconded by Commissioner Marks and it was unanimously approved.

RR15-20111 AND RR15-20012 CHIPS I, INC. – Vice Chairperson Glass noted this applicant is requesting permission to file for a type 112 permit and a type 210-1 permit simultaneously.

Vice Chairperson Glass moved to approve this request. Motion seconded by Commissioner Davis and it was unanimously approved.

RR49-06098 INDY ANNA'S, INC. – Vice Chairperson Glass noted this permittee is requesting permission to be designated as a "catering hall".

Vice Chairperson Glass moved to approve this request. Motion seconded by Commissioner Marks and it was unanimously approved.

RR54-01494 CARLA HURT – Vice Chairperson Glass noted this a type 210 transfer of location application with the local board voting three (3) to one (1) to disapprove.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the transfer. Motion seconded by Commissioner Davis and it was unanimously approved.

Also, Chairperson DePrez stated that this transfer was heard by the local board about a year ago, but due to circumstances was not voted on by the Commission until today. The permittee would like to now attempt to transfer this permit again, however, because the Commission did not vote on this until today, it has not been one year since the previous denial.

Chairperson DePrez moved to allow for the processing of the transfer due to the fact that it was no fault of the permittee that the transfer was not timely voted on. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

INACTIVE FILES

Commissioner Marks moved to make sixteen (16) permits inactive. Twelve (12) permits are not subject to auction and four (4) permits are subject to auction. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

APPEALS FROM LOCAL BOARD RECOMMENDATIONS

RR04-20010 THOMAS R. GREENWOOD AND RONALD L. WINCHESTER, RR49-19935 TGO, LLC, RR49-00528 CHANDLER & JAMES CORPORATION – Appeals filed.

OLD BUSINESS

No Old Business.

NEW BUSINESS

APPEAL OF JOHN DUGAN, JR – Chairperson DePrez stated that Mr. Dugan’s attorney requested that this matter be continued. The request was granted.

NATIONAL BLACK CAUCUS OF STATE LEGISLATORS ANNUAL MEETING – National Black Caucus of State Legislators would like to serve donated alcoholic beverages at their annual meeting.

THE ORCHARD SCHOOL KICKOFF DINNER – Orchard School would like to serve donated alcoholic beverages at their kickoff dinner.

WFYI 2003 INDY WINE FESTIVAL - WFYI would like to serve donated alcoholic beverages at their wine festival.

2003 WINE CORNUCOPIA – Crossroads Rehabilitation Center would like to auction donated wine at their 2003 Wine Cornucopia.

Commissioner Davis moved to approve these requests. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations.

UNDER ADVISEMENT

RR58-04551 PM LOUNGE, INC. – Chairperson DePrez noted this will be kept under advisement.

ANNOUNCEMENTS

ATC WEBSITE – Chairperson DePrez stated we are currently experiencing problems with our website. We are trying to correct this problem as quickly as possible.

ADJOURNMENT

Vice Chairperson Glass moved to adjourn the meeting. Motion seconded by Commissioner Marks and it was unanimously approved.

Approved this _____ day of _____, 2002.

MARY DEPREZ, CHAIRPERSON

BARBARA L. GLASS, VICE CHAIRPERSON

JAMES DAVIS, COMMISSIONER

GIGI M. MARKS, COMMISSIONER